

## Region 1

### **Hot Topics:**

#### **Housatonic River Cleanup: Response to Environmental Appeals Board due on 2/5**

On January 26, the EAB issued its opinion for the Rest of River portion of the GE-Pittsfield/Housatonic River Site, agreeing with the Region on the majority of issues and remanding two issues for further consideration – the location for disposal of excavated PCB-contaminated material and a permit requirement for GE to perform additional work in future circumstances when PCB-contaminated materials are encountered. Region 1 and HQ are evaluating next steps in light of the EAB's ruling to move forward with the cleanup as expeditiously as possible.

#### **Ozone Transport Region Opt-out**

On Jan 29, EPA held a conference call with the Maine DEP to discuss Maine's draft of a petition to opt-out of the Ozone Transport Region (OTR). Clean Air Act section 184 established the OTR in 1990, and Maine was a charter member. CAA section 176A allows the Administrator to add or remove states when in his opinion they either do (add) or do not (remove) contribute significantly to ozone nonattainment. Maine expects to submit the petition this spring.

#### **Centredale Manor, RI: Mediation**

EPA, RI DEM and Black and Decker will hold a second mediation session in Boston on February 1.

#### **Coakley Landfill, NH: Bedrock Investigation**

The Coakley team is sending a response to the letter from NH Senators Shaheen and Hassan regarding the site's pending bedrock investigation. The letter explains the complexity of the bedrock issues, stresses the iterative nature of the study and confirms that EPA will work with the PRPs to move the project along in an expeditious fashion. The draft response was reviewed and edited based on comments from NH DES.

### **Upcoming Major Decisions and Events:**

#### **RA and AA for Water to meet with NH municipalities about NPDES permit issues**

On February 6, RA Alex Dunn and Dave Ross will meet with Rochester, Portsmouth, and Dover, NH to discuss NPDES permit issues. The three communities all face the need to address nitrogen discharges from their wastewater treatment plants, which contribute to eutrophication in New Hampshire's Great Bay. The meeting is in response to a letter from the Governor of NH expressing concern about the cost of nitrogen treatment and appreciation for the RA and AA's willingness to engage with the communities.

## Region 2

### **Hot Topics:**

#### **Trenton Water Works (NJ)**

Region 2 is actively working with the NJ Department of Environmental Protection (NJDEP) to address repeated, serious operational deficiencies at the Trenton Water Works (which supplies a population of 205,000).

In recent conversation with RA Pete Lopez, the outgoing DEP Commissioner highlighted concern with the City's inability to maintain trained staff to operate the plant. In this discussion, RA Lopez recommended the State consider pursuing some form of "receivership" status which would establish outside control of the Water Works until its operational management system could be restructured (similar to the process utilized to intervene with chronically failing schools).

As a result of EPA support and consultation, NJDEP is pursuing a consent order which will compel the City to contract with an independent engineering firm to run the facility until the City can secure adequately trained staff to operate the plant.

#### **Hudson River Superfund (NY)**

This week, Regional Administrator, Pete Lopez, made a statewide announcement regarding active EPA remediation of the Hudson River.

This announcement was initiated as a part of a broader public outreach campaign intended to help the public and stakeholders understand the depth and breadth of EPA's engagement in restoring the iconic Hudson.

A significant part of the announcement was the revealing of EPA's recent agreement to partner with NYS DEC to analyze over 1800 sediment samples DEC collected following PCB dredging in the Upper Hudson. This analysis will expand on existing EPA sampling and offer more opportunity to measure the impact of recent dredging efforts in advancing remedies that are protective of human health and the environment.

Additionally, the announcement focused on important floodplain soil analysis and remediation in the Upper Hudson, as well as reinforced EPA's intent to aggressively conduct water quality and other environmental investigations from the Troy Dam to the New York / New Jersey Harbor.

### **Upcoming Major Decisions and Events:**

**Feb. 26 - March 1:** RA Pete Lopez will travel to PR and the USVI. The trip will focus on transitioning from hurricane response to recovery. On 3/1 the RA will give the keynote address at the Inter-American Association of Sanitary and Environmental Engineering (AIDIS) Conference.

## Region 3

### Hot Topics:

#### **Outreach Planned for the Proposal of the Hockessin Groundwater Site to National Priorities List**

This Site has been proposed to the National Priorities List in the Federal Register on January 18, 2018, and Region 3 will conduct several outreach activities to make residents and businesses aware of the proposal. During the week of January 22, 2018, Region 3 mailed over 1,400 postcards with Site-related information to residents and businesses living within a close proximity of the Site. The Region also placed an ad in the Hockessin Community Newspaper for a January 26, 2018 display. Both outreach materials inform the public of the Site's proposal, how the public can comment on the proposal, the Site webpage and Site contacts, and the upcoming EPA public meeting details. The public meeting, which is scheduled for February 13, 2018 at the Hockessin Memorial Hall, will consist of a public availability session and presentation by the Site Team for the community.

#### **The Chemours Company Has Agreed to Sample for GenX at Locations Selected by EPA in West Virginia and Ohio**

The Chemours Company has agreed to sample public and private drinking water systems, selected by EPA, in West Virginia and Ohio for the presence of GenX. EPA Region 3 requested the sampling in a letter dated January 11, 2018. The Chemours Company will conduct the sampling during the month of February, as part of its regularly scheduled monitoring, as required by the First Amended Order on Consent, issued pursuant to Section 1431 of the Safe Drinking Water Act. The sampling will determine whether GenX is present, in what concentrations, as well as the effectiveness of the granulated activated carbon treatment in removing GenX.

#### **EPA Region III Reaches Settlement with the U.S. Department of the Army and BAE Systems, Ordnance Systems Inc**

On January 23, 2018, EPA Region III filed a Consent Agreement and Final Order (CAFO) regarding the Radford Army Ammunition Plant in Radford, Virginia. The respondents to the CAFO are the U.S. Department of the Army (Army) and BAE Systems, Ordnance Systems Inc. (BAE, the operating contractor for the facility) and the CAFO addresses alleged violations of RCRA Subtitle C requirements, EPCRA, CWA, and the CAA (violation of its Title V permit). The settlement requires a payment of \$279,700 and that the parties seek modification of the facility's RCRA permit with respect to one aspect of storage of tenant waste at the facility's permitted storage area. Throughout the entire enforcement process, Region III coordinated with the Virginia Department of Environmental Quality (VADEQ).

### Upcoming Major Decisions and Events:

#### **Bowie State University MOU Signing**

Region 3 RA Servidio will be joining Bowie State University President Beaux on February 1, 2018 to renew the existing MOU. Implementation of the program activities under this MOU is intended to promote equal opportunity in higher education, contribute to the capacity of BSU to provide high-quality education, encourage the participation of BSU in the EPA's programs, and increase the supply of highly trained, diverse professionals for potential federal employment.

**RA Servidio to Meet with Members of Congress and Senate**

On Tuesday, February 6, 2018 RA Servidio will be in the Washington D.C. meeting with Congressman Evan Jenkins (WV), Congressman Ryan Costello (PA), Congressman Morgan Griffith (VA), and Congressman Brian Fitzpatrick (PA).

## Region 4

### Hot Topics:

#### ***Daicel Safety Systems, LLC (Kentucky)***

**Key Message:** On January 31, 2018, Region 4, in coordination with the Kentucky Department for Environmental Protection (KYDEP), visited the Daicel Safety Systems, LLC facility in Beaver Dam, Kentucky, to view the thermal treatment process for the NQ hazardous waste stream. Preliminary assessments confirm that Region 4's position of disagreeing with the state's decision to terminate the permit is appropriate. Next steps include discussion with the State to determine a possible solution.

#### ***LCP Superfund site (Brunswick, GA)***

**Key Message:** The Region has received an inquiry from the Atlanta-Journal and Constitution regarding the LCP Superfund site as a follow-up to the question posed by Congressman Buddy Carter (GA-1st District) regarding site funding. The reporter submitted the inquiry follow-up on the funding matter and to determine who from the Agency follows up with the cleanup.

#### ***North Carolina General Assembly PFAS Inquiries***

**Key Message:** Region 4 continues to receive requests from North Carolina legislators to evaluate North Carolina's NPDES permitting program due to the increase of PFAS compounds in North Carolina. The Region anticipates sending a response letter to the General Assembly during the week of February 5, 2018.

### Upcoming Major Decisions and Events:

#### **Decisions**

None

#### **Events**

**February 5, 2018** – Regional Administrator Trey Glenn will meet with Alabama's Oil & Gas Chair, Nick Tew to discuss oil and gas activities in Alabama.

**February 6, 2018** – Regional Administrator Trey Glenn will deliver the remarks at the Alabama Energy Day. Montgomery, AL. Closed Press.

## Region 5

### **Hot Topics:**

#### **Residential Notifications of Water Sampling Results from Wolverine Site Expected Next Week**

Key Message: EPA is coordinating closely with Michigan Department of Environmental Quality and Kent County Health Department in preparation of resident notifications. EPA sampled residential wells for PFAS on Dec. 27 and 28, 2017. Preliminary results were shared orally earlier this month. Qualified data is expected next week at which point EPA will notify residents of their final results via letter.

### **Upcoming Events/Major Decisions:**

#### **Regional Administrator Stepp to Meet with Mayor Bobby Hopewell of Kalamazoo, Michigan**

Key Message: On February 7, RA Stepp will meet with Mayor Hopewell to discuss the ongoing cleanup and remediation work at the Allied Paper/Kalamazoo River Superfund site. The meeting will take place following RA Stepp's opening remarks at the Michigan Chemistry Council's Policy Day event in Lansing and a tour of the Kalamazoo River site.

## Region 6

### **Hot Topics:**

#### **Bird Creek, Osage County, Oklahoma**

Warren American Oil Company, Jireh Resources, LLC, and Novy Oil and Gas, Inc., met with EPA on January 30, 2018 and discussed options on more thoroughly defining the pathway of produced water to the tributary of North Bird Creek. The companies have proposed an additional pump out at Monitoring Station #6 that will happen within two weeks and an additional geophysical survey to attempt to identify shallow pathways into the creek.

#### **Lindon Manufacturing and Laboratory, Houston, Texas**

Lindon facility manager confirmed the incompatible containers were removed on January 31, 2018. After independent confirmation, EPA will take steps to withdraw the RCRA Section 7003 unilateral administrative order.

#### **San Jacinto River Waste Pits Superfund Site, Harris County, Texas**

Region 6 will hold the second meeting with McGinnes Industrial Maintenance Corporation, and International Paper Company, U.S. Corps of Engineers, Texas Commission on Environmental Quality to discuss the implementation of a remedial design for the selected remedy. We anticipate receiving comments on EPA's draft Statement of Work prior to the meeting.

#### **St Bernard Parish, Louisiana**

Negotiations continue with Louisiana Department of Environmental Quality to prevent highway fund sanctions and Federal Implementation Plan from taking place in mid-April 2018 as a result of the state not submitting an approvable attainment demonstration state implementation plan for sulfur dioxide. We expect a short gap between the completion of this action and the FIP deadline. We remain hopeful to prevent the highway funding sanctions from taking effect.

### **Upcoming Major Decisions and Events:**

#### **Arkansas Infrastructure SIP for NAAQS**

Region 6 anticipates a final approval of Arkansas' infrastructure SIP for NAAQS for fine particulate matter, lead, ozone, nitrogen oxide and sulfur dioxide. The SIP provides for implementation, maintenance and enforcement of the NAAQS for these pollutants.

#### **Texas SIP for PM2.5**

Region 6 anticipates proposing to approve portions of Texas SIPs pertaining to the 1997 and 2006 PM2.5 standards and interstate transport and withdrawing an earlier proposal to disapprove the portion of a of a Texas SIP pertaining to the 2006 PM2.5 standard and interstate transport.

#### **Texas SIP Revisions for Public Participation**

Region 6 anticipates proposing approval of the Texas SIP pertaining to air permitting and public participation for air quality permit applications.

February 5 Meetings with Texas Commission on Environmental Quality Commissioners, Austin

February 9 Meeting with Georgia Pacific Senior Vice President of Environmental Affairs and Product Safety



## Region 7

### Hot Topics:

#### **West Lake Site Update (Bridgeton, MO)**

Key Message: Proposed Plan announced and Community Advisory Group meeting next week.

- ☐ This week the region continues work to finalize the Proposed Plan, Final Feasibility Study and Administrative Record File in anticipation of the start of the public comment period next week. The Remedial Investigation Addendum has been finalized.
- ☐ On February 1, 2018, Administrator Pruitt announced his preferred alternative for the remedy for Operable Unit 1 through a press release and interviews with local and national news outlets. Concurrently, a senior management team including the Administrator's senior advisor on Superfund, the R7 regional administrator, and the R7 Superfund division director met with local stakeholders in St. Louis, Missouri and conducted phone calls to other key agency partners and congressional stakeholders. A meeting was also held with the St. Louis city mayor and the St. Louis airport authority to better understand city concerns associated with the preferred alternative. Initial views of the preferred alternative are mixed among stakeholders, as anticipated.
- ☐ On February 6, 2018, the region will be issuing a public notice announcing the start of the 45-day public comment period and availability of the Proposed Plan and Administrative Record File.
- ☐ The CAG will be hosting a closed meeting on February 6, 2018, in addition to a meeting with the EPA and the U.S. Army Corps of Engineers to discuss additional sampling in the North Quarry.
- ☐ A public meeting on the Proposed Plan is scheduled for March 6, 2018.

#### **Anschutz Mine Redevelopment Meeting (Madison County, MO)**

Key Message: Superfund Site Redevelopment discussions move forward.

- ☐ On January 26, 2018, a meeting was held with the EPA, the Missouri Department of Natural Resources, Environmental Operations Inc ("EOI", a liability purchase company engaged by the American Cobalt Company), and the Anschutz Mining Corporation to discuss the way forward for EOI to acquire the liability and perform restoration of the surface contamination at the Madison County Lead Site OU2 Anschutz property.
- ☐ EOI is in the process of acquiring the environmental liability for the cleanup of approximately 1800 acres of the former mining site with the intention of conducting activities to secure the existing mine waste on the property, stop the release of mine water to nearby surface discharge, and facilitate future reopening of the mine to recover cobalt and other metals.
- ☐ The reopening of mining operations includes employment opportunities for local residents. The meeting initiated discussions on the oversight mechanism for the work which is estimated by EOI to take approximately 2-3 years, and resulted in an agreement to explore performing the site stabilization work under Superfund removal authority.

### Upcoming Major Decisions and Events:

#### **Regional Administrator Participates in Senior-Level Work Planning Meeting with MDNR**

Key Message: On February 8, 2018, the regional administrator will travel to Jefferson City, Missouri to meet with the director and other senior-level officials of the Missouri Department of Natural Resources.

- ☐ Anticipated topics of discussion include: enforcement, inspection coordination, work plans and reporting issues.

- The acting DRA and directors from the following EPA R7 divisions/offices will also be attending the meeting: Air and Waste Management; Water, Wetlands, and Pesticides; Enforcement Coordination; and Regional Counsel.

## Region 8

### **Hot Topics:**

#### **Submittal to U.S. Fish and Wildlife Service of Biological Assessment for the Silver Bow Creek/Butte Area Superfund Site**

On 1/31/18, we submitted a BA to FWS which concludes that the ongoing site remedial activities May Affect, But Are Not Likely to Adversely Affect the bull trout and its designated critical habitat downstream from the site boundaries, as well as the grizzly bear and Canada lynx. A pending lawsuit filed by the Alliance for the Wild Rockies against EPA alleging failure to consult with the FWS in violation of the Endangered Species Act may be dismissed as a result of the BA submittal.

#### **Conceptual agreement reached on future Superfund remediation and restoration actions for Butte Priority Soils Operable Unit, Silver Bow Creek Butte Area Superfund Site**

On 1/25/18, the United States, the State of Montana, the Atlantic Richfield Company, and Butte Silver Bow County reached conceptual agreement on future Superfund remediation and restoration actions in Butte. The draft consent decree and statement of work will reflect the agreement and proceed through additional public comment and final consent decree negotiations, anticipated for completion next fall.

#### **Notices of Potential Environmental Conditions Recorded with Lincoln County, Montana for Properties in Operable Units 4 & 7 of the Libby Asbestos Superfund Site**

This week, we delivered to Lincoln County for recording approximately 175 Notices of Potential Environmental Conditions, corresponding to properties where EPA was denied access for investigation and cleanup of Libby Amphibole asbestos. In order to withdraw a Notice of Potential Environmental Conditions, submission of sampling data to EPA and Montana DEQ (and cleanup, if necessary) will be required and will be the responsibility of the property owner. Montana DEQ and Lincoln County fully support this approach.

**Soil Cleanups Begin at Colorado Smelter Superfund Site, Pueblo, Colorado** On 1/31/18, we began the first phase of soil cleanups under the 9/26/17, early interim action Record of Decision for Operable Unit 1. The work will address 27 high priority residential properties contaminated with lead and arsenic.

### **Upcoming Major Decisions and Events:**

None.

## Region 9

### Hot Topics

**Edwards Air Force Base CERCLA dispute:** as expected, the US Air Force has appealed our dispute decision to the Administrator. The issue relates to the USAF preference to amend one operable unit remedy for contaminated groundwater and take no action per the IRIS value for PCE, rather than California's more stringent toxicity value. The State is updating various contaminant values in a regulatory process which will culminate midyear, at which time EPA will determine if the new value is a CERCLA ARAR. The Region, OLEM and OECA worked closely together on the content of our decision.

**PBF Refinery:** a citizens group near this Los Angeles refinery has asked EPA's Inspector General to examine why we did not pursue a (minor) RCRA violation at this facility. A recent Los Angeles Times article, quoting a former EPA inspector, implied we had neglected a problem. In fact, we have continued to focus quite intensively on this facility's processes and compliance status, in partnership with state and local co-regulators. Neither Region 9 nor the State considered the facts of the RCRA storage issue supported a compliance action.

### Upcoming Major Decisions and Events:

**Anaconda:** next Monday, we'll join our EPA HQ, State of Nevada and Atlantic Richfield/British Petroleum colleagues in Yerington, NV, to sign an agreement deferring NPL listing of the vast Anaconda mine site to State leadership. We will finalize various agreements with ARC/BP, DOJ will finalize the cost-reimbursement order, and the State will sign a new order with ARC/BP governing their respective responsibilities for the several operable units. We'll continue to pursue agreements with the Walker River and the Yerington Paiute tribes on how they'll be involved in a State-led CERCLA-equivalent response.

**Mexican Border:** next Thursday, we'll brief Arizona State Senator/Majority Whip Gail Griffin regarding transboundary untreated sewage flows from Naco, Sonora to Naco, Arizona. She also asked the IBWC and the North American Development Bank to address this issue.

**Tribes:** next week, we'll host two days of meetings with our Region's tribal leadership in our office. Over 125 participants have registered for this quarterly meeting.

## Region 10

### Hot Topics:

**Citizen Concerns Re: PFAS in Household Water in Fairbanks, AK:** EPA Region 10 has received multiple calls from a resident of Fairbanks, Alaska asking for federal oversight of state and city response to PFOA/PFOS at the Regional Fire Training/30th Avenue groundwater plume in Fairbanks. The concerned resident has started a group called Wakeup Alaska Water, to coordinate shared concerns of other residents. While the Alaska Department of Environmental Conservation and the City of Fairbanks have taken action to educate the community and provide clean drinking water where needed, the citizen group continues to seek out additional oversight and action from EPA. Specifically, the group is seeking sampling of water in household hot water tanks. At this time, the state and city's actions appear consistent with what other communities are doing to deal with PFAS in residential water.

### Upcoming Major Decisions and Events:

**Frontier Hard Chrome Superfund Site Nears "Deletion" from National Priorities List (WA):** The Final Close-Out Report for the Frontier Hard Chrome Superfund Site in Vancouver, Washington was signed on January 29. The report documents the completion of all CERCLA remedial actions at the site, making it eligible to be deleted from the NPL. The site was listed on the NPL in 1983 following the discovery of high levels of chromium in a downgradient groundwater well. The site was previously occupied by two chrome plating businesses that disposed of chromium-rich liquid wastes in a dry well on the property. The remedial action included excavation of contaminated surface soils and using In-Situ Redox Manipulation to treat deep soils and groundwater. Following treatment, natural dispersion and dilution were used to restore the groundwater.

**Region 10's Emergency Response Team Partners for Preparedness:** Last week, Region 10 participated in two events aimed at maintaining our excellent emergency response networks and capabilities. Regional representatives participated in the Alaska Regional Response Team meeting held in Anchorage on January 31 which included the Coast Guard and various Alaska state agencies. The Region also hosted the Western Region State Emergency Response Commission Conference to bring together state, tribal, and local emergency response and preparedness organizations, as well as industry. The intent of the SERC Conference is to enhance collaborative partnerships between the different organizations and to share best practices related to safety, environment, and health, for the purposes of emergency preparedness. Over 80 people attended the two-day conference.

**Region 10 Announces \$1.3M in Diesel Reduction Grants to States:** Region 10 will send a news release on February 5, announcing a total of \$1.3 million for diesel reduction projects in all four Region 10 states.

## Office of Administration and Resources Management

### **Hot Topics:**

#### **Potential Merger of OARM and OEI**

On Thursday, February 1<sup>st</sup>, OARM and OEI notified their employees that they were working with the administration on a potential merger of the two offices into one new office. This consolidation would improve efficiency in the delivery of support services and better align mission support functions.

### **Upcoming Major Decisions & Events:**

None

## Office of Air and Radiation

### Hot Topics:

#### Tracking SIP Actions:

##### **Total Number of SIPs submitted to Regions in FY 2018: 92**

- Total Number of SIP Submittals with Final Action taken by the Regions in FY 2018: 46
- Total Number of Backlogged and Non-backlogged SIPs: 745
  - Backlogged: 394
  - Non-backlogged: 351

#### Upcoming Packages for the Administrator's Signature:

- NY SIP submittal addressing Regional Haze and revision of Best Available Retrofit Technology (BART) determination for the Roseton Generating Station Units 1 and 2 – Final Rule (Note that in conjunction with this action, we are also withdrawing the FIP that addresses BART for the same units).
- Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area Classifications – Final rule

#### OAR actions under review (or soon to be under review) at OMB:

Notice of Proposed Withdrawal of the Control Techniques Guidelines for the Oil and Natural Gas Industry

- Final Guidance on Significant Impact Levels for Ozone and Fine Particles in the Prevention of Significant Deterioration Permitting Program (likely going to OMB next week)
- Revisions to the Refrigerant Management Program's Extension to Substitutes – Proposed Rule (going to OP soon, followed by OMB review)

### Upcoming Major Decisions and Events:

**Repeal of the Clean Power Plan (CPP):** Yesterday the FR notice with the details on the listening sessions was posted and registration opened on EPA's website. (As a reminder, the listening sessions are as follows: February 21 in Kansas City, Missouri; February 28 in San Francisco; and March 27 in Gillette, Wyoming. The comment period has been reopened until April 26).

**Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016:** As early as February 7th, EPA expects to publish a Federal Register (FR) notice announcing a 30-day public review period for the draft Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2016, a policy-neutral report published annually by EPA since 1993 that fulfills annual treaty obligations under the United Nations Framework Convention on Climate Change. The final report will be published by April 15.

**ENERGY STAR:** During the coming weeks, we will finalize two ENERGY STAR product specifications after multiple drafts and close work with stakeholders:

- The updated computer specification sets new levels for notebooks in response to significant increases in the market share of models meeting the current specification.
- The updated television specification incorporates provisions to ensure that TVs certified with energy saving features deliver promised savings in typical use.

## Office of Chemical Safety and Pollution Prevention

**IMPORTANT DEADLINES:**

Row	Determination Type	Pending on 1/30/2018	Determinations Completed <sup>1</sup> as 1/30/2018	Determinations Posted on the Website as of 1/30/2018 <sup>6</sup>
1	# of "not likely" determinations	1	116 <sup>4</sup>	116 <sup>4</sup>
2	# of §5(e) Orders signed by both EPA and the submitter	-	314	314
3	# of §5(e) Orders signed by EPA and awaiting submitter signature	52	-	-
4	# of non-Order SNURs/"not likely" determinations	0	0	0
5	# of cases in post-FOCUS final determination development <sup>5</sup>	335 <sup>3, 5</sup>	-	-
6	# of cases flagged for in-depth review	49	-	-
7	# of PMNs, SNUNs and MCANs awaiting FOCUS (within 90-day review)	13	-	-
8	# of LVE/LOREX exemption grants	-	526	520
9	# of LVE/LOREX exemption denials	-	121	121
10	<b>Total number of cases</b>	<b>450</b>	<b>1077</b>	-
11	Normal active workload for the New Chemicals Program	300	-	-
12	Number of cases undergoing testing or data development by submitter	74 <sup>3</sup>	-	-
13	<b>Backlog<sup>2</sup></b>	<b>76</b>	-	-

<sup>1</sup>"Determinations Completed" means that EPA has completed its reviews on these cases and that final determinations have been made by EPA under TSCA section 5(a)(3).

<sup>2</sup> (Total number of cases) – (Normal active workload for the New Chemicals Program) - (Number of cases undergoing testing or data development) = Backlog

<sup>3</sup> Of these cases, approximately 73 are "active" lung toxicity cases that are suspended while submitters either conduct or are deciding whether to conduct testing to develop data on pchem properties, exposures and toxicity.

<sup>4</sup> "Not Likely" determinations are not posted until the final signed determination document is prepared and has been shared with submitter.

<sup>5</sup> These cases are those for which Post-FOCUS work is underway to develop: not likely determinations; non-Order SNURS coupled with not likely determinations; or section 5(e) or 5(f) Orders. When the OPPT Office Director decides which of these regulatory paths to follow, the case is moved to: Row 3 when the section 5(e) or 5(f) Order is sent to the submitter for signature; Row 4 when the SNUR is published and the not likely determination document is signed; and Row 1 when the determination document is sent to the OPPT OD for signature.

<sup>6</sup> These are all only final determinations posted on the web: grants and denials



**Hot Topics:**

**2018 Annual Plan for Chemical Risk Evaluations.** On January 31<sup>st</sup>, OCSPP posted the 2018 Annual Plan for Chemical Risk Evaluations under TSCA. Amended TSCA requires the EPA to publish a plan at the beginning of each calendar year that identifies the chemical substances for which risk evaluations are expected to be initiated or completed that year and the resources necessary for their completion, describes the status of each risk evaluation that has been initiated but not yet completed, and includes an updated schedule for completion of risk evaluations, if appropriate.

**Reduced Residue Chemistry Data Requirements for Seed-Treatment Uses** – On February 1, OCSPP announced the development of a tiered approach for determining when the number of required field trials can be reduced to register seed-treatment uses. In this effort to streamline resources, EPA worked collaboratively with the Health Canada Pest Management Regulatory Agency (PMRA). Based on the developed approaches, there is potential for both petitioners and the agency to save considerable resources in terms of conducting, submitting, and reviewing studies while still obtaining the data necessary to support seed-treatment pesticide registrations.

**EPA Publishing 2016 Toxic Release Inventory National Analysis** – On January 30, 2018, EPA published its annual Toxics Release Inventory (TRI) National Analysis, which shows that industrial facilities continue to reduce releases of TRI chemicals through pollution reduction activities. EPA, states, and tribes receive TRI data annually from facilities in industry sectors such as manufacturing, metal mining, electric utilities, and commercial hazardous waste management.

**Upcoming Major Decisions and Events:**

**House Science Committee Hearing on Glyphosate.** On February 6<sup>th</sup>, the Office of Pesticide Programs' Senior Science Advisor, Dr. Anna Lowit, will be the technical witness for the House Science Committee hearing. The committee is interested in having EPA provide testimony on the glyphosate registration review.

**Formaldehyde Voluntary Consensus Standard Final Rule.** OCSPP will soon publish a final rule to update several voluntary consensus standards listed at 40 CFR § 770.99 and incorporated by reference in the Formaldehyde Emission Standards for Composite Wood Products rule. The final rule updates apply to emissions testing methods and regulated composite wood product construction characteristics, and provides relief to regulated entities. Several of those voluntary consensus standards were updated, withdrawn, and/or superseded through the normal course of business by these bodies to take into account new information, technology, and methodologies.

**Alternative Test Methods Draft Strategy.** The Frank R. Lautenberg Chemical Safety for the 21<sup>st</sup> Century Act amended Section 4(h) of the Toxic Substances Control Act (TSCA) to require EPA to develop a Strategic Plan by June 22, 2018 to promote the development and implementation of alternative test methods and strategies to reduce, refine or replace vertebrate animal testing. In early February, OCSPP plans to release a draft plan for public review and comment.

**OECD Chemicals Meeting.** Jeff Morris, Director, Office of Pollution Prevention and Toxics, is leading the EPA delegation participating in the 57th Joint Meeting of the Chemicals Committee and the Working Party on Chemicals, Pesticides and Biotechnology, Organization for Economic Co-operation and Development (OECD). The meeting will be held on February 6-8, 2018 in Paris.

**Agricultural Retailers Association Winter Board Meeting** – Office of Pesticide Program Director, Rick Keigwin, will present at the Agricultural Retailers Association Winter Board Meeting on February 5, 2018. Rick will discuss OPP's 2018 priorities before the Public Policy Committee.

## Office of the Chief Financial Officer

### **Hot Topics:**

- The current Continuing Resolution expires February 8. The Administration has indicated that Congress is considering another CR providing funding through March 23. We continue to monitor Congressional action.
- To date, EPA has received 55 mission assignments or agreements from other federal agencies for a total of \$230 million to support disaster responses to Hurricanes Harvey, Irma, and Maria, Tropical Storm Nate, and the California Wildfires (northern and southern), including \$64 million just this past week to support the wildfires in California and Hurricane Maria in Puerto Rico and the Virgin Islands. All of this funding is in addition to EPA's base appropriated funding.

### **Upcoming Major Decisions and Events:**

- The FY 2019 President's Budget will be released to Congress and the public on February 12. OCFO continues work with the NPMs and OMB to finalize the President's Budget submission and budget rollout materials. OCFO also continues to coordinate with the Policy Team to consider OMB comments on EPA's budget materials.
- The *FY 2018-2022 EPA Strategic Plan* also will be published on February 12. OCFO is in the process of responding to OMB comments and will meet with the Policy Team to review OMB comments and changes. OMB has asked the Acting Deputy Administrator to confirm the Agency Priority Goal statements to OMB and GSA by February 2.
- For inclusion in the EPA's FY 2019 Budget and the *FY 2018-2022 EPA Strategic Plan*, OCFO is submitting to OEX the Performance Data Reliability Statement and the Message for the Strategic Plan for the Administrator's signatures by February 8.
- OCFO will meet with the Chief of Operations and the Acting Deputy Administrator on February 6 regarding the approach to carry out the FY 2018 Integrated Guidance for Strategic Reviews and Internal Control Reviews as well as an approach for the Quarterly Performance Reviews.

## Office of Congressional and Intergovernmental Relations

### Hot Topics:

- **February 6** – House Science hearing “Pesticide Registration Review and Glyphosate,” EPA Witness Anna Lowit, Science Advisor, Office of Pesticides Programs

### Upcoming Major Decisions and Events:

- **February 5** – Congressman Tonko (NY) meeting with David Ross
- **February 7** – SEPW minority meeting w/OCSPD DAA Nancy Beck on chemicals issues (Sven)
- **February 8** - Meeting with staff of SEPW and Senator Pat Toomey (PA), and U.S. Fish and Wildlife staff to discuss the Folcroft Superfund site.
- **February 12** - OW & OLEM bipartisan budget briefing for House Transportation and Infrastructure, Water Resources and Environment Subcommittee staff.
- **February 14** - The next Quarterly Outreach Meeting Troy Lyons, OCIR Associate Administrator, will open the session. Part I of the meeting will feature an Overview of EPA’s PFAS Action Agenda, as well as an Overview of the State of Michigan’s PFAS Action Response Team.
- **February 25** - EPA and Administrator Pruitt will host the Western Governors’ Association for a breakfast.
- **February TBD** – OW & OLEM bipartisan budget briefing for T&I Water Resources and Environment Subcommittee staff

## Office of Enforcement and Compliance Assurance

### Hot Topics:

**Interim Guidance on Regional-State Planning and Communication:** As part of EPA's ongoing effort to integrate cooperative federalism into agency practices, OECA issued an Interim Guidance Memo to EPA's Regional Administrators. The interim Guidance provides immediate, concrete steps to enhance regional-state planning and communication on compliance assurance work in authorized states. A copy of the memo was transmitted to ECOS.

**Production Operator Sentenced after Pleading Guilty to Violating the Clean Water Act Related to Offshore Oil Platform:** On January 29, 2018, former oil and gas production operator, Luke Ball was sentenced to time served (6 months) in the Western District of Louisiana. Ball had been incarcerated since August 9, 2017, for violating the conditions of his pre-trial release. On June 9, 2015, Luke Ball and another contract operator on an Energy Resource Technology GOM, LLC oil production platform in the Gulf of Mexico were engaged in bleeding pressure from the production casing on a plugged well. Ball did not take any precaution against a discharge of pollutants when they began bleeding down the pressure from the production casing, allowing well bore fluid mixed with hydrocarbons to go out over the Gulf of Mexico falling into the water below in violation of the Clean Water Act.

**In the Matter of Alon USA, LP:** On January 25, 2018, the Environmental Appeals Board ratified OECA's settlement with Alon to resolve claims under the Clean Air Act relating to Alon's production of gasoline that did not meet gasoline volatility standards. Implementation and enforcement of the Clean Air Act's fuels requirements is not delegable to the states. As such, Texas was not involved in this matter.

**Environmental Appeals Board Rules on RCRA Corrective Action Permit for Housatonic River Cleanup:** In October 2016, EPA issued a final RCRA Corrective Action permit modification that specified a \$613 million cleanup plan for the Rest-of-River portion of the Housatonic River cleanup. The plan proposed a 13-year schedule of activities to address PCB contamination caused by the General Electric (GE) facility in Pittsfield, MA. Following issuance of the final permit modification, five parties, including GE, petitioned the Environmental Appeals Board (EAB) for review of the permit. The EAB also held oral arguments on June 8, 2017. On January 26, 2018, the EAB ruled on the five petitions that challenged various aspects of the remedy. The EAB denied most challenges to the permit but did remand the permit back to Region 1 for further consideration on additional response actions required for future work projects by third parties and the requirement that GE dispose of the excavated material at an off-site landfill.

**National Federal Facility Program Managers Meeting:** OECA's Federal Facilities Enforcement Office and federal facility program managers from all 10 Regions met to discuss implementation of the agency's draft Strategic Plan, including OECA's strategic and mission measures, and effectively holding federal agencies to the same environmental standards as the regulated community in order to increase compliance with environmental laws.

### Upcoming Major Decisions and Events:

Susan Bodine will have a ceremonial signing-in as the OECA AA on February 5, 2018, in the Green Room.

## Office of Environmental Information

No report for this week.

## Office of General Counsel

### Hot Topics:

- *Natural Resources Defense Council, Inc. v. Pruitt*, No. 18-cv-00613 (S.D.N.Y.). New development: On Jan. 24, 2018, NRDC challenged the Oct. 2017 “Strengthening and Improving Membership on EPA Federal Advisory Committees” directive, alleging that it is arbitrary and capricious because it violates the uniform ethics requirements issued by the OGE under 18 U.S.C. § 208(c). This is the third such lawsuit challenging the directive (others have been filed in D.D.C. and D. Mass.).
- EAB decision in Housatonic River cleanup. GE, two environmental groups, a private citizen, and an association of five towns all challenged aspects of the PCV cleanup remedy. New development: On Jan. 26, 2018, the EAB denied all petitions besides GE’s in their entirety. EAB granted two aspects of GE’s petition regarding additional response actions and choice of off-site over on-site disposal for contaminated sediment from excavated soil. The EAB remanded these issues to the Region for further consideration. Motions for reconsideration are due Feb. 5, 2018.
- *American Chemistry Council v. EPA*, No. 15-1146 (D.C. Cir.). ACC challenged EPA’s risk and technology review of the 2015 Offsite Waste and Recovery Operations National Emission Standards for Hazardous Air Pollutants. EPA and ACC settled and agreed ACC would dismiss the litigation if EPA reconsidered rule provisions related to pressure relief devices. New development: EPA signed the final reconsidered rule Jan. 18, 2018, and ACC voluntarily dismissed the litigation.
- *Valero v. EPA*, No. 18-1028 (D.C. Cir.). Section 211(o)(11) of the CAA directs EPA to conduct periodic reviews of the feasibility of achieving compliance with RFS requirements, and of existing technologies and the impacts of certain requirements. In November 2017, EPA issued a document explaining our interpretation of this provision and how we have satisfied it to date. New development: Valero has filed a petition for review challenging that document in the DC Circuit.
- *Mexichem v. EPA*, No. 14-1328 (D.C. Cir.). New development: Petitions for rehearing *en banc* denied Jan. 26, 2018. The petitions asserted that the panel exceeded its subject matter jurisdiction by invalidating a use prohibition contained in the 1994 rule that established the SNAP program under section 612 of the Clean Air Act. The petitions further asserted that EPA did not exceed its statutory authority in promulgating the 2015 SNAP rule that was challenged in this litigation.

### Upcoming Major Decisions and Events:

- 02/05      Motions hearing in *Nat’l Parks Conservation Ass’n, et al. v. EPA* (D.D.C.). Plaintiffs allege EPA’s Sept. 2017 regional haze FIP did not satisfy consent decree obligation. EPA has moved to terminate the consent decree.

## Office of International and Tribal Affairs

### **Hot Topics:**

**Six Tribes from Virginia Granted Federal Recognition:** The President signed legislation to grant federal recognition to six tribes in Virginia -- Chickahominy, Eastern Chickahominy, Upper Mattaponi, Rappahannock, Nansemond and Monacan. This status provides these tribes the ability to apply for EPA's Indian General Assistance Program funds and be represented on the National Tribal Caucus.

**Environmental Technology Promotion** – The Administration has created an U.S. Enviro-Tech Tiger Team initiative to coordinate interagency resources to share information and identify market opportunities for the export of U.S. environmental goods and services in a number of pilot countries, including China, Brazil, Peru, Chile, Poland, Vietnam, Singapore, Indonesia, India, Morocco, and Ghana.

### **Upcoming Major Decisions and Events:**

**United South and Eastern Tribes Meeting** – The United South and Eastern Tribes (USET), representing 27 federally recognized tribal nations east of the Mississippi will be meeting in DC on February 5-8. EPA (OITA) will be speaking to the Board of Directors on February 7 to discuss EPA's tribal programs and priorities.

**United Nations Environment Program** - The Deputy Director of the United Nations Environment Program (UNEP) will be in DC on February 7 to discuss collaboration with EPA, including recent work together on the United Nations Environment Assembly and Global Alliance to Eliminate Lead in Paint.

**Transboundary Mining Meeting** – A delegation of stakeholders from Alaska and Montana will be meeting with EPA (OITA, Region 8 and 10) and State Department on February 13 to discuss transboundary waters concerns from mining operations in British Columbia. The delegation will include representatives from Salmon Beyond Borders, Headwaters Montana, and National Parks Conservation Association.



## Office of Land and Emergency Management

### Hot Topics:

1. **Emergency Responses to Hurricanes and Wildfires.** Large-scale responses continue in the Caribbean and Northern California.
2. **Emergency Preparedness During the State of the Union Address.** OLEM and Region 3 participated in the inter-agency readiness involved in the President's State of the Union Address, which involved the Continuity of Government Condition (COGCON) elevating to Level 3.
3. **Coal Combustion Residuals (CCR).**
  - a. **State permit programs.** The public comment period for Oklahoma's proposed program approval continues until March 2.
  - b. **Remand rule.** It is with OMB for review.
4. **Clean Air Act 112(r) Risk Management Program (RMP).**
5. **Ongoing major Superfund NPL sites (including East Chicago, West Lake, Bonita Peak, Hudson River, Portland Harbor, Mississippi Phosphates).** There were major announcements this week on both the Hudson River and West Lake.
6. **CERCLA 108(b) Financial Assurance for Hard Rock Mining and Mineral Processing.** The final rule is pending publication in the Federal Register. A corrections package is en route to the Administrator through OP and OGC.
7. **CERCLA-EPCRA AFO-CAFO Rule.** Today the DC Circuit granted our motion to further stay the mandate until May 1. Thank you to OGC for its ongoing amazing work on this matter.
8. **Edwards Air Force Base.** Yesterday the Air Force issued a letter to EPA, elevating the Edwards Air Force Base Federal Facilities Agreement formal dispute between the State of California and the Air Force. OLEM is providing support to OECA, Region 9, and the AO.
9. **Superfund Task Force.** On January 31, EPA released webpages for the Superfund Task Force and a Human Exposure Dashboard. The Task Force webpage provides background on the Task Force, accomplishments to date, quarterly reports, and public participation opportunities.
10. **Forum on Life Cycle Approaches to Sustainably Manage Materials in Building and Infrastructure Projects.** OLEM managed this three-day meeting to help a diverse set of experts and stakeholders assess where this work stands, and collaboratively consider chart next steps.

### Upcoming Major Decisions and Events:

1. **CCR Public Hearing.** There will be a public hearing on February 13<sup>th</sup> in Oklahoma City, OK on the proposed State Coal Combustion Residuals Permit Program. (See item #3 above). This is the first State CCR Permit Program to be proposed for approval.

## Office of Policy

### Hot Topics:

**EPA Participates in National Smart Growth Conference:** Last week, Office of Sustainable Communities senior staff participated in the 2018 New Partners for Smart Growth Conference in San Francisco, CA. EPA presentations focused on revitalization strategies for rural towns and communities, and novel applications of data and participatory planning in water management, particularly in low capacity, economically distressed communities. This national event was cosponsored by EPA, American Farmland Trust, AARP, Lyft, Intersect Energy, Sacramento Area Council of Governments and other government agencies, organizations, foundations and companies that are committed to building safer, healthier and more prosperous communities. More than 1,000 participants, including state and local officials, private sector developers and environmental professionals from across the country, attended this year's event focused on *Practical Tools and Innovative Strategies for Creating Great Communities*.

**OP Participates in First Permitting Lean Events:** Last week, OP staff participated in the first Kaizen events on permitting, part of the "blitz" launching EPA's efforts under multiple priority areas. The goal of the events, on Underground Injection Control (UIC) and National Pollutant Discharge Elimination System (NPDES) programs, under the Clean Water Act, is to identify and implement ways to improve timeliness and ensure the quality of permits issued directly by EPA, pursuant to the Priority Goal to make all permit decisions within 180 days by September 2022. OP is participating to listen for, catalog, and address policy barriers to efficiency and effectiveness. We worked with EPA permit writers and a state permit writer in targeting new NPDES industrial and municipal permits. We also engaged with the team addressing UIC class II (oil & gas) wells. Both groups will develop and implement key measures to reduce permit lead times. OP will also participate in the next permitting events, in March, on Title V permits and New Source Review under the Clean Air Act.

### Number of Actions to OFR this Year

- ☐ Signed by Regions:
  - Notices: 7
  - Proposed Rules: 14
  - Direct Final Rules: 1
  - Withdraw of Direct Final: 3
  - Final Rules: 10
- ☐ Signed by HQ:
  - Notices: 24
  - Proposed Rules: 3
  - Final Rules: 15

### Number of Actions to OFR this Week (Jan 26 – Feb 1)

- ☐ Signed by Regions:
  - Notices: 6
  - Proposed Rules: 6
  - Direct Final Rules: 0
  - Withdraw of Direct Final: 1
  - Final Rules: 8

- ☐ Signed by HQ:
- Notices: 10
  - Proposed Rules: 0
  - Final Rules: 7

**Documents Submitted to OFR from January 24 - 30, 2018**

FRL	Title	Date Submitted to OFR
9972-68-OCSP	Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products	1/30/2018
9973-30-Region 6	Approval and Promulgation of Implementation Plans; Arkansas; Approval of Regional Haze State Implementation Plan Revision for NOX for Electric Generating Units in Arkansas	1/30/2018
9973-61-OAR	Approval and Promulgation of Air Quality Implementation Plans; State of Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan Revisions; Withdrawal of Federal Implementation Plan for NOX for Electric Generating Units in Arkansas	1/30/2018
9974-02-Region 4	Air Plan Approval; AL; Section 128 Board Requirements for Infrastructure SIPs	1/30/2018
9972-01-OCSP	Dicloran (DCNA); Amendments to Terminate Uses for Certain Pesticide Registrations	1/29/2018
9973-58-Region 5	Air Plan Approval; Indiana; Regional Haze Five-Year Progress Report State Implementation Plan	1/29/2018
9973-59-Region 5	Air Plan Approval; Ohio; Infrastructure SIP Requirements for the 2012 PM2.5 NAAQS; Multistate Transport	1/29/2018
9971-52-OARM	Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation/Termination or Suspension of Permits; Procedures for Decision making; Correction	1/29/2018
9973-46-Region 4	Air Plan Approval; Georgia; Regional Haze Plan and Prong 4 (Visibility) for the 2012 PM2.5, 2010 NO2, 2010 SO2, and 2008 Ozone NAAQS	1/29/2018
9973-47-OA	Notification of a Public Teleconference of the Science Advisory Board Chemical Assessment Advisory Committee Augmented for the Review of EPA's draft Ethyl Tertiary Butyl Ether (ETBE) and tert-Butyl Alcohol (tert-butanol; tBA) Assessments	1/29/2018
9970-37-OCSP	Agency Information Collection Activities; Proposed Collection; Comment Request	1/29/2018

9973-36-Region 9	Clean Air Act Operating Permit Program; Petition for Objection to Proposed Permit for Alon USA – Bakersfield Refinery, San Joaquin Valley Unified Air Pollution Control District	1/29/2018
9973-33-Region 9	Clean Air Act Operating Permit Program; Petitions for Objection to Proposed Permits for Linn Operating, Inc. – Fairfield Lease and Ethyl D Lease, San Joaquin Valley Unified Air Pollution Control District	1/29/2018
9973-34-Region 2	Proposed CERCLA Cost Recovery Settlement for the Facet Enterprises, Inc. Superfund Site, Elmira Heights, Chemung County, New York	1/29/2018
9973-32-OA	Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) Notice of Charter Renewal	1/29/2018
9973-29-Region 3	Approval and Promulgation of Air Quality Implementation Plans; State of Maryland; Control of Emissions from Existing Commercial and Industrial Solid Waste Incinerator Units	1/29/2018
9973-35-Region 8	Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Revisions to the Transportation Conformity Consultation Process	1/26/2018
9973-17-Region 8	Montana Second 10-Year Carbon Monoxide Maintenance Plan for Missoula	1/26/2018
9973-52-Region 1	National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List	1/26/2018
9973-16-Region 6	Approval and Promulgation of Implementation Plans; Louisiana; Interstate Transport Requirements for the 2012 PM <sub>2.5</sub> NAAQS	1/26/2018
9973-48-Region 5	Air Plan Approval; Nonattainment Plans for the Lemont and Pekin SO <sub>2</sub> Nonattainment Areas	1/26/2018
9973-49-Region 5	Air Plan Approval; Indiana; Infrastructure SIP Requirements for the 2012 PM <sub>2.5</sub> NAAQS	1/26/2018
9973-14-OEI	Laboratory Quality Assurance Evaluation Program for Analysis of Cryptosporidium Under the Safe Drinking Water Act/ICR No. 2067.06	1/26/2018
9973-15-ORD	Availability of the Systematic Review Protocol for the Chloroform Integrated Risk Information System (IRIS) Assessment	1/26/2018
9973-13-ORD	Availability of the Integrated Risk Information System (IRIS) Assessment Plan for Uranium	1/26/2018

## Office of Research and Development

We are looking forward to this week's meeting at our Cincinnati Lab with Ken Wagner, Ohio EPA Director Craig Butler, and Region 4 and 5 and state environmental agency directors. Both days will include a lab tour and discussions on drinking water, algal blooms, and PFAS. On February 7 and 8, Richard Yamada and I will meet with Regional Administrator Trey Glenn (Region 4) and visit the EPA campus in Athens, Georgia to meet with the Athens management team, tour the lab, and hear about some of the watershed modeling and chemical research being conducted in Athens.

### **Hot Topics:**

#### **Lead Exposure Discussions**

On February 7, ORD will meet with OGWDW and OCSPP to discuss coordination of lead exposure-dose multimedia modeling approaches being used for regulatory decisions in the Lead and Copper Rule (OW) and Lead Hazards Standard (OCSPP). ORD will also meet with the Federal Lead Strategy steering committee of the President's Task Force on Children's Environmental Health Risks and Safety Risks discuss the public comments received on HUD's Federal Register Notice regarding a new interagency lead strategy.

#### **Water Infrastructure for Improvements to the Nation (WIIN) Act notification to Galesburg, IL**

Last week Region 5 sent ORD sequential drinking water samples collected from five homes in Galesburg, IL. Samples from four of the homes had a lead sample result above 15 parts per billion, triggering notifications under the WIIN Act. On January 25 and 26 ORD sent emails to the City of Galesburg, Illinois EPA, and Region 5 notifying them of the high lead levels and informing them that they need to comply with the WIIN Act and share these results with residents immediately. The notifications were also forwarded to OW for informational, documenting and record-keeping purposes.

#### **Superfund**

Last week ORD assisted regional Superfund staff by reviewing the Groundwater Remedial Investigation Report and the Revised Candidate Technologies Memorandum for contaminated groundwater at the [Ringwood Mines/Landfill Superfund site](#) in Ringwood Borough, NJ. The 500-acre site, located in a historic iron mining district, includes abandoned mine shafts and pits, inactive landfills and open waste dumps. ORD and OLEM are meeting this week to kick-off a project to identify common challenges at Superfund sites across the U.S.

### **Upcoming Major Decisions and Events:**

On February 2, leaders from Arizona State University, Arizona DEQ, and Maricopa County met with ORD, OAPQS and Region 9 to develop options for an air sensors monitoring project in Phoenix, AZ. The goal of the project will be to evaluate air sensor performance and data quality, involve the public, and test approaches for data analytics, data management and data communication.

### **Board of Scientific Counselors (BOSC)**

The new and reappointed members of EPA's BOSC have been invited to attend one of two ORD program overview conference calls, scheduled for February 6 and February 28.

### **States Invite Researcher to Help Them Build Statistical Capacity To Assess Their Waters**

On February 5 at a meeting organized by the Virginia Department of Environmental Quality, ORD will demonstrate to a group of state and regional biologists a function to identify distinct taxa in water samples. The R programming language is used for statistical analysis by many state programs using National Aquatic Resource Survey (NARS) approaches and tools to monitor and report on the condition of their waters. This type of ORD technical support helps EPA better support states that might be struggling with R, which has a steep learning curve, while, at the same time, enabling EPA to learn about tools that states are developing that EPA might be able to use. This ongoing technical support is part of EPA's commitment to providing assistance in programming that states may need to more fully participate in NARS.

## Office of Water

### **Hot Topics:**

**Waters of the US:** This week, EPA and the Army finalized a rule to add an applicability date to the 2015 Clean Water Rule. This rule is tentatively scheduled to publish in the Federal Register on February 6 and will become effective upon publication, delaying implementation of the 2015 rule by two years. Looking ahead, the agencies continue to move forward with considering revisions to the definition of WOTUS. On February 20<sup>th</sup>, a set of webinars will be held for the tribes and states to prepare for in-person meetings scheduled for early March.

**WIFIA:** This week, the WIFIA program received its fourth application. The City of Omaha, NE submitted its application for a \$55 million loan to build a new retention treatment basin to address combined sewer overflows. The application will be reviewed for completeness before kicking off the credit review and term negotiation process and engineering due diligence review, which may take approximately two months to complete. Next week, the WIFIA program will meet with the San Francisco Public Utilities Commission to discuss its WIFIA application, plan of finance, and project plan.

**Effluent Guidelines Program Plan:** As early as next week, OW anticipates sending the Final 2016 Effluent Guidelines (ELG) Program Plan to OP to initiate Interagency Review with OMB. The Clean Water Act directs EPA to publish a plan every two years that establishes a schedule for the annual review and revision of existing effluent guidelines and identifies any new industries identified for ELG rulemaking. EPA published the Preliminary 2016 ELG Plan on June 27, 2016.

### **Upcoming Major Decisions and Events:**

**Great Bay Coalition Meeting:** Next week, I will travel to New Hampshire, together with Region 1 Regional Administrator Alex Dunn, to meet with the Great Bay Coalition regarding nutrient reduction strategies and permitting. This meeting is closed to press. While in New England, I will also meet with regional water program staff to discuss a range of water-related actions and activities and participate in a tour of the Mystic River watershed, one of 19 Urban Waters Federal Partnership locations nationwide.

**American Public Works Association:** Next week, Lee and OW staff will present on EPA's key water priorities for 2018 at the American Public Works Association's Government Affairs Board Meeting in Washington, DC. Topics will include the Lead and Copper rule and infrastructure finance. This event is closed to press.

**National Association of Clean Water Agencies 2018 Winter Conference:** Next week, OW leadership will participate in the NACWA 2018 Winter Conference in Napa, CA. Topics will include utility governance, infrastructure funding, the recent National Academy of Public Administration (NAPA) report on affordability, and the development and implementation of water quality criteria. These portions of the meeting are closed to press.